S.B.CRIMINAL MISC. BAIL APPLICATION NO. 4397/2007
(Gajendra Singh and Ors. Vs. State of Rajasthan)

DATE OF ORDER : 10/09/2007

HON'BLE MR.H.R.PANWAR, J.

Dr. Sachin Acharya for the petitioners.
Mr. Ashok Upadhayay, Public Prosecutor for State.

Heard learned counsel for the petitioners and Public Prosecutor for the State. Perused the order impugned as also the statement of prosecutrix recorded under Section 202 Cr.P.C. by Judicial Magistrate (West), Bhilwara.

On perusal of the statement of the prosecutrix recorded by the Judicial Magistrate, no overt act has been assigned to the present petitioners. The allegation is against Ravindra Singh who alleged to have taken the prosecutrix to Ratlam in a bus and thereafter he along with the prosecutrix stayed there with his family members for number of days. The petitioners are family members of Ravindra Singh. On 11.6.2005 Ravindra Singh and prosecutrix went to Indore and it is alleged that there the victim was forced to marry with Ravindra Singh.

Be that as it may, in whole of the statement of the prosecutrix, there is no specific overt act assigned to any of the present petitioners. Without commenting on the merit of the case which may prejudice the case of either party, looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I consider it just and proper to allow the bail application filed by the petitioners under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners Gajendra Singh S/o Shankar Singh Chouhan, Smt. Bansi Bai W/o Gajendra Singh Chouhan, Kuldeep

Singh S/o Gajendra Singh Chouhan, Smt. Jyoti W/o Devendra Singh Chouhan, Hemant Singh S/o Laxman Singh, Devindra Singh S/o Laxman Singh and Smt. Babli @ Lata W/o Ghanshyam Singh in FIR No. 132/05 P.S. Banera, they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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